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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097213,169	12/17/98	FREDLUND	J 78685F-P

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EXAMINER

PHAN, D

ART UNIT

PAPER NUMBER

3722

DATE MAILED:

11/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/213,169

Applicant(s)
John R. Fredlund

Examiner
Daniel Phan

Group Art Unit
3722



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-63 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-63 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show icons (reference indicia) (50, 52, 54, 64, 65), image (ID 61), cartridge (ID 65), a plurality of snaps and a plurality of hook members as described in the claims. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7, 13, 18, 19, 25, 30, 35, 36, 40, 45, 46, 52, 57, 58, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (5,791,692) in view of Ruebens (4,965,948).

Manico et al discloses a album leaf comprising a plurality of images (15-19 and 21-25) on first and second sides (12, 14), a margin area (29), and a plurality of openings (Figure 3) for allowing the album leaf to be placed into a binder.

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Manico does not disclose first and second icons for identifying first and second sources of the images on first and second sides. He also does not disclose a binder for holding items containing the original source of the images contained in album leaf.

Ruebens discloses first and second icons (34, 35) for identifying first and second sources from the plurality of images originated inside of the margin area. Ruebens also discloses a binder (Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide first and second icons on the album leaf as taught by Ruebens to arrange the content and to provide more information of the images and also to provide a binder so that the album can be securely locked inside of the binder.

4. Claims 2-5, 14-17, 26-29, 41-44, 53-56, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (5,791,692) in view of Ruebens (4,965,948) and further in view of Rowley (5,765,875).

Manico et al's album as modified by Ruebens discloses all the elements as claimed except for image and origination ID to indicate the image.

Rowley discloses an ID (56 and 56B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Manico's invention to have image ID and origination ID as taught by Rowley to provide identification and information relating to an image.

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5. Claims 8, 20, 31, 47, 59 , as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (5,791,692) in view of Ruebens (4,965,948) and further in view of Werner et al (5,709,496).

Manico et al has been sufficiently described above. Manico et al lacks the disclosure of a film cartridge containing a strip of photographic film.

Werner et al discloses a cartridge and a strip of photographic film (Figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Manico's invention to have a film cartridge as taught by Rowley to provide storage for a photographic film inside of the photo album.

6. Claims 9-11, 21-23, 32-34, 48-50, 60-62, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (5,791,692) in view of Ruebens (4,965,948) and further in view of Combs (5,782,349).

Manico et al has been sufficiently described above. Manico et al lacks the disclosure of an album leaf comprising a CD and a computer disc.

Combs discloses a CD Rom (10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Manico's invention to incorporate a CD Rom inside of the photo album to provide the user with another multimedia information storage tool.

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7. In regard to claims 12, 24, 51, 63 Manico et al discloses the claimed invention except for an album leaf made out of a photographic paper. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make an album leaf of a photographic paper, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

8. Claims 37-39 would be allowable if rewritten independently from the base claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent number 5,301,803 to Hansen et al shows package for index print sheet and cassette.

US patent number 5,620,271 to Bergh et al shows a three ring binder page for holding compact discs.


US patent number 5,823,573 to Chang shows a Loose-leaf album for both photographs and film storage.

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10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel Phan whose telephone number is (703) 308-4235. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A.L. Pitts can be reached on (703) 308-2159. The fax number for TC 3700 is (703) 305-3579. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703) 308-1148.

dtp

Oct. 20, 1999


WILLMON FRIDIE, JR.
PRIMARY EXAMINER
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